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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,495	03/01/2004	Paul J. Wehrenberg	APL1P299/P3222	1871

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EXAMINER
NGUYEN, HUNG T

ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)	
	10/791,495	WEHRENBERG, PAUL J.	
Office Action Summary	Examiner	Art Unit	
	HUNG T. NGUYEN	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>03 February 2006</u>.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-24</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>01 March 2004</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2,   The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3.   Claims 1-4, 9-12 , 14, & 18-20 & 24 are rejected under 35 U.S.C. 102(e) as being

anticipated by Lee et al. (U.S. 6,970,095).

Regarding claim 1, Lee discloses a theft device system (10) for detecting loss and

location of portable communication device as a laptop computer or cellular phone (12) [

figs.1-4, col.1, line 59 to col.2, line 14 and col.4, lines 10-32] comprising:

- a motion sensor in a form of accelerometer (20) is attached to the laptop / cellular

phone (12) for monitoring the theft condition [fig.2, col.1, line 59 to col.2, line14 and

col.4, lines 10-32];

- the cellular phone (12) having alarm device (24) to activate an alarm signal (24) when

the frequency of the acceleration signal **meets a predetermined criteria** as providing

audible signal for detecting theft condition by the motion sensor (20) and a controller in

a form of processor (22) connects with filtering circuit (36) to determine the frequencies

of the acceleration signal provided by accelerometer (20) and to filter out any frequency

indicate of movement of the laptop (12) as protecting the objects from thefts [figs. 2-4,

col.2, lines 5-14, lines 27-56 and col.4, lines 18-67];

- the controller / processor (22) may recognize the theft conditions by determine &

analysis the frequency of the acceleration signal output as the frequency in the ranges

between [0.5 to 2 Hz] by the filtering circuit (36), the alarm device (24) will be

activated ONLY when the analysis of the acceleration reveals a possible theft event [

figs. 2-4, col.4, line 33 to col.5, line 14, col.7, lines 3-10 and col.10, lines 27-47].

Regarding claims 2-4, Lee discloses the accelerometer (20) is attached to the laptop /

cellular phone (12) for monitoring the theft condition [fig.2, col.1, line 59 to col.2, line14

and col.4, lines 10-32];

- the cellular phone (12) having alarm device (24) to activate an alarm signal (24) when

the frequency of the acceleration signal **meets a predetermined criteria** as providing

audible signal for detecting theft condition by the motion sensor (20) and a controller in

a form of processor (22) connects with filtering circuit (36) to determine the frequencies

of the acceleration signal provided by accelerometer (20) and to filter out any frequency

indicate of movement of the laptop (12) as protecting the objects from thefts [figs. 2-4,

col.2, lines 5-14, lines 27-56 and col.4, lines 18-67];

- the controller / processor (22) may recognize the theft conditions by determine &

analysis the frequency of the acceleration signal output as the frequency in the specified

ranges between [0.5 to 2 Hz] by the filtering circuit (36), the alarm device (24) will be

activated ONLY when the analysis of the acceleration reveals a possible theft event [

figs. 2-4, col.4, line 33 to col.5, line 14, col.7, lines 3-10 and col.10, lines 27-47].

Regarding claim 9, Lee discloses a theft device system (10) for detecting loss and

location of portable communication device as a laptop computer or cellular phone (12) [

figs.1-4, col.1, line 59 to col.2, line 14 and col.4, lines 10-32] comprising:

- a cellular phone (12) having a housing for holding and covering semiconductor

components is inherently [fig.1];

- the cellular phone (12) having alarm device (24) to activate an alarm signal (24) when

the frequency of the acceleration signal **meets a predetermined criteria** as providing

audible signal for detecting theft condition by the motion sensor (20) and a controller in

a form of processor (22) connects with **filtering circuit (36)** to determine the

frequencies of the acceleration signal provided by accelerometer (20) and to filter out

any frequency indicate of movement of the laptop (12) as protecting the objects from

thefts [figs. 2-4, col.2, lines 5-14, lines 27-56 and col.4, lines 18-67];

- the controller / processor (22) may recognize the theft conditions by determine & analysis the frequency of the acceleration signal output as the frequency in the ranges between [0.5 to 2 Hz] by the filtering circuit (36), the alarm device (24) will be activated ONLY when the analysis of the acceleration reveals a possible theft event [figs. 2-4, col.4, line 33 to col.5, line 14, col.7, lines 3-10 and col.10, lines 27-47].

Regarding claims 10-12, Lee discloses the accelerometer (20) is attached to the laptop / cellular phone (12) for monitoring the theft condition [fig.2, col.1, line 59 to col.2, line14 and col.4, lines 10-32];

- the cellular phone (12) having alarm device (24) to activate an alarm signal (24) when the frequency of the acceleration signal **meets a predetermined criteria** as providing audible signal for detecting theft condition by the motion sensor (20) and a controller in a form of processor (22) connects with **filtering circuit (36)** to determine the frequencies of the acceleration signal provided by accelerometer (20) and to filter out any frequency indicate of movement of the laptop (12) as protecting the objects from thefts [figs. 2-4, col.2, lines 5-14, lines 27-56 and col.4, lines 18-67];

- the controller / processor (22) may recognize the theft conditions by determine & analysis the frequency of the acceleration signal output as the frequency in the specified ranges between [0.5 to 2 Hz] by the filtering circuit (36), the alarm device (24) will be activated ONLY when the analysis of the acceleration reveals a possible theft event [figs. 2-4, col.4, line 33 to col.5, line 14, col.7, lines 3-10 and col.10, lines 27-47].

Regarding claims 14 & 18, Lee discloses the controller / processor (22) may recognize the theft conditions by determine & analysis the frequency of the acceleration signal output as the frequency in the specified ranges between [0.5 to 2 Hz] by the filtering circuit (36), the alarm device (24) will be activated ONLY when the analysis of the acceleration reveals a possible theft event [figs. 2-4, col.4, line 33 to col.5, line 14, col.7, lines 3-10 and col.10, lines 27-47].

Regarding claims 19-20 & 24, Lee discloses a method of protecting a portable communication device as a laptop computer or cellular phone (12) against theft [figs.1-4, col.1, line 59 to col.2, line 14 and col.4, lines 10-32] comprising:

- a motion sensor in a form of accelerometer (20) is attached to the laptop / cellular phone (12) for monitoring the theft condition [fig.2, col.1, line 59 to col.2, line14 and col.4, lines 10-32];

- the cellular phone (12) having an output signal to activate an alarm signal (24) when the frequency of the acceleration signal **meets a predetermined criteria** and for providing audible signal as detecting by the motion sensor (20) and a controller in a form of processor (22) connects with **filtering circuit (36)** to determine / examine the frequencies of the acceleration signal provided by accelerometer (20) and to filter out any frequency indicate of movement of the laptop (12) as protecting the objects from thefts [figs. 2-4, col.2, lines 5-14, lines 27-56 and col.4, lines 18-67];

- the controller / processor (22) may recognize the theft conditions by determine & analysis the frequency of the acceleration signal output as the frequency in the specified

ranges between [0.5 to 2 Hz] by the filtering circuit (36), the alarm device (24) will be

activated ONLY when the analysis of the acceleration reveals a possible theft event [

figs. 2-4, col.4, line 33 to col.5, line 14, col.7, lines 3-10 and col.10, lines 27-47].

4.   Claims 5-8, 13 & 15-17 & 21-23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lee et al. (U.S. 6,970,095) further in view of D'Angelo et al. (U.S.

6,133,830).

Regarding claims 5 & 13, The reference of Lee does not specifically mention the

controller unit having a sleep mode as claimed by the applicant.

D'Angelo teaches a sleep mode function which is controlled by a

microprocessors (27,32) for reducing power supply requirement [col.8, lines 49-53].

Therefore, it would have been obvious to one having ordinary skill in the art to

use the teaching of D'Angelo includes a sleep mode feature in the system of Lee for

controlling & saving the power supply and extending battery life.

Regarding claims 6-8 & 15-17, The reference of Lee does not specifically mention the

controller unit connects with alarm device as visual signals as claimed by the applicant

because that is old and well known in the art.

Furthermore, D'Angelo teaches an anti theft device which having visual / LED indicator and audible device (31) to communicate with microprocessors (27,32) for triggering alarm of theft condition [col.7, lines 26-50].

Therefore, it would have been obvious to one having ordinary skill in the art to use the teaching of D'Angelo in the system of Lee for providing multi alarm signals to the users.

Regarding claims 21-23, The reference of Lee does not specifically mention the controller unit connects with alarm device as visual signals as claimed by the applicant because that is old and well known in the art.

Furthermore, D'Angelo teaches an anti theft device which having visual / LED indicator and audible device (31) to communicate with microprocessors (27,32) for triggering alarm of theft condition [col.7, lines 26-50].

Therefore, it would have been obvious to one having ordinary skill in the art to have the teaching of D'Angelo in the system of Lee for providing multi alarm signals to the users.

Arguments & Responses

5.   Applicant's argument filed on Feb. 03, 2006 have been fully considered but they are moot in view of the new ground(s) of rejection.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP j 706.07(a).

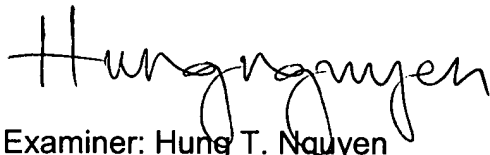Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hung T. Nguyen whose telephone number is (571) 272-

2982. The examiner can normally be reached on Monday to Friday from 9:00 am to

6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Horabik, Michael can be reached on (571) 272-3068. The fax phone number

for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the Group receptionist whose telephone number is

(703) 305-4700.

HUNG NGUYEN
PRIMARY EXAMINER

Examiner: Hung T. Nguyen

Date: Mar. 22, 2006